



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,487	10/22/1999	MASAYUKI OKAMOTO	1248-467P	7363

2292 7590 02/21/2002

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

CHUNG, DAVID Y

ART UNIT	PAPER NUMBER
----------	--------------

2871

DATE MAILED: 02/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/403,487

Applicant(s)

OKAMOTO ET AL.

Examiner

David Chung

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 2-3 and 6-7, drawn to optical retardation compensator plates, classified in class 349, subclass 117.
- II. Claims 4-5 and 13-14, drawn to reflective film details, classified in class 349, subclass 113.
- III. Claims 8-9, drawn to a particular dispersion of retardation, classified in class 349, subclass 112.
- IV. Claims 10-12, 16-17, and 19-20, drawn to a sub 90° twist angle, classified in class 349, subclass 76.
- V. Claim 15, drawn to the viewing angle direction, classified in class 349, subclass 99.
- VI. Claims 18 and 21-22, containing limitations of both groups IV and I.

Currently, claim 1 appears to be generic.

Art Unit: \*\*\*

Group I is related to a different inventive concept because a liquid crystal device with the compensator of group I does not necessarily require the reflector of group II, the dispersion of group III, the sub-twist of group IV, or the viewing angle properties of group V. There is no technical relationship between group I and groups II, III, IV, or V involving one or more of the same or corresponding special technical features.

Group II is related to a different inventive concept because a liquid crystal device with the reflector of group II does not necessarily require the dispersion of group III, the sub-twist of group IV, or the viewing angle properties of group V. There is no technical relationship between group II and groups III, IV, or V involving one or more of the same or corresponding special technical features.

Group III is related to a different inventive concept because a liquid crystal device with the dispersion of group III does not necessarily require the sub-twist of group IV or the viewing angle properties of group V. There is no technical relationship between group III and groups IV or V involving one or more of the same or corresponding special technical features.

Group IV is related to a different inventive concept because a liquid crystal device with the sub-twist of group IV does not necessarily require the viewing angle properties of group V. There is no technical relationship between group IV and group V involving one or more of the same or corresponding special technical features.

Group VI is related to group I by combination-subcombination. These inventions are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination for patentability, and (2) that the subcombination has

Art Unit: \*\*\*

utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination does not require the particulars of the subcombination as the claims of group IV are evidence claims indicating that the combination does not rely upon the specific details of the subcombination for its patentability. If the evidence claims of group IV are subsequently found to be unallowable, the question of rejoinder of groups I and VI must be considered and a letter to the applicant will so state. Therefore, since the combination evidence claims of group IV do not set forth the details of the subcombination and the subcombination has separate utility, groups I and VI are distinct.

Group VI is related to group IV by combination-subcombination. These inventions are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination does not require the particulars of the subcombination as the claims of group I are evidence claims indicating that the combination does not rely upon the specific details of the subcombination for its patentability. If the evidence claims of group I are subsequently found to be unallowable, the question of rejoinder of groups IV and VI must be considered and a letter to the applicant will so state. Therefore, since the combination evidence claims of group I do not set forth the details of the subcombination and the subcombination has separate utility, groups IV and VI are distinct.

Art Unit: \*\*\*


Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search required for each invention is not required for the other inventions, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Chung whose telephone number is (703) 306-0155. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.

  
KENNETH PARKER  
PRIMARY EXAMINER

David Chung  
GAU 2871  
02/19/02